IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

RCRev..No. 368 of 2004()

{R.C.A.NO.118/2002 OF THE DISTRICT JUDGE, (RENT CONTROL APPELLATE AUTHORITY),KOZHIKODE
IN R.C.P.NO.160/2000 OF THE RENT CONTROL COURT (ADDITIONAL MUNSIFF-I),KOZHIKODE-I}
.....

REVISION PETITIONER/APPELLANT/RESPONDENT:

P.T.ASSAIN, S/O. ABDUL RAHIMAN,
AGED 60 YEARS, BUSINESS,
KURUVATTOOR AMSOM AND
DESOM OF KOZHIKODE TALUK.

BY ADVS. SRI.R.SUDHISH
& SMT.M.MANJU

RESPONDENTS: RESPONDENTS/PETITIONERS:
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1. ALI ABDUL KAREEM, S/O.KUNHIKUTTY HAJI,
AGED 47 YEARS, BUSINESS,
RESIDING AT VYDYAKARAN,
KANHIRATHINGAL, VALIYORA AMSOM
AND DESOM OF
TIRURANGADI TALUK, MALAPPURAM DISTRICT.

2. KUNHIMUTTY HAJI(DIED), S/O.KUNHALAN,
VYDYAKARAN, KANHIRATHINGAL,
VALIYORA AMSOM AND
DESOM OF TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

3. BIYUTTY, W/O. KUNHIMUTTY HAJI,
AGED 69 YEARS, VYDYAKARAN,
KANHIRATHINGAL,
VALIYORA AMSOM AND DESOM OF
TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

4. MUKKIL BIYUTTY, W/O. LATE MUHAMMED,
AGED 37 YEARS, VYDYAKARAN,
KANHIRATHINGAL,
VALIYORA AMSOM AND DESOM OF
TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

5. NOUSHAD, S/O. LATE MUHAMMED,
AGED 27 YEARS, VYDYAKARAN,
KANHIRATHINGAL,
VALIYORA AMSOM AND DESOM OF
TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

6. NHILA, D/O. LATE MUHAMMED,
AGED 27 YEARS, VYDYAKARAN,
KANHIRATHINGAL,
VALIYORA AMSOM AND DESOM OF
TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

7. NILOFER, D/O. LATE MUHAMMED,
AGED 13 YEARS, MINOR,
REPRESENTED BY THE GUARDIAN
4TH RESPONDENT, MUKKIL BIYUTTY,
VYDYAKARAN, KANHIRATHINGAL,
VALIYORA AMSOM AND DESOM OF
TIRURANGADI TALUK, MALAPPURAM DISTRICT.

8. ABDUL WAHAB, S/O. KUNHIMUTTY HAJI,
AGED 37 YEARS, VYDYAKARAN,
KANHIRATHINGAL,
VALIYORA AMSOM AND DESOM OF
TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

9. PATHUKUTTY, D/O. KUNHIMUTTY HAJI,
AGED 39 YEARS, VYDYAKARAN,
KANHIRATHINGAL,
VALIYORA AMSOM AND DESOM OF
TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.N.SREENIVASAN
SRI.P.RAMACHANDRAN

THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ALONG WITH RCR NO.369 OF 2004 ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO.3409/04 & 250/06
IN R.C.R.NO.368/04

DISMISSED.

Sd/-
(K.A.ABDUL GAFOOR)
JUDGE

Sd/-
(K.R.UDAYABHANU)
16.01.2007. JUDGE

sk/-

//true copy//

P.S. To Judge.

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ.

R.C.R.Nos.368 & 369 of 2004

Dated this the 16th day of January, 2007.

O R D E R

Abdul Gafoor, J.

There were altogether three Rent Control Petitions alleging grounds available under Sections 11(2)(b), 11(3) and 11(4)(iii) of the Kerala Buildings (Lease and Rent Control) Act [Act 2 of 1965] {hereinafter referred to as 'the Act'} in respect of the tenants, father and son, concerning three shop rooms, in which one single business has been conducted. One petition has already been finalised and delivery has been ordered. In that situation, when these revision petitions came up for hearing, it is submitted by the revision petitioners/tenants that they may be granted four months' time to surrender vacant possession of the building.

2. We heard the counsel for the landlord as well. We are of the view that this submission is reasonable.

Accordingly, both the revision petitions are closed, granting the revision petitioners four months' time to surrender vacant possession of the building. They shall vacate the building on or before **16.05.2007.** They shall file an affidavit showing their preparedness to surrender vacant possession of the said building within the time stipulated above and to pay the entire arrears of rent and the rent that may accrue within the said four months. The affidavit shall be filed before the execution court within three weeks from today.

Sd/-
(K.A.ABDUL GAFOOR)
JUDGE

Sd/-
(K.R.UDAYABHANU)
JUDGE

sk/

//true copy//

P.S. To Judge

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ.

R.C.R.Nos.368 & 369 of 2004

O R D E R

16th January, 2007.